

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMUEL DAVIS,

Plaintiff,

07 Civ. 6592 (JGK)

- against -

ORDER

CORRECTION OFFICER RHOOMES, et al.,

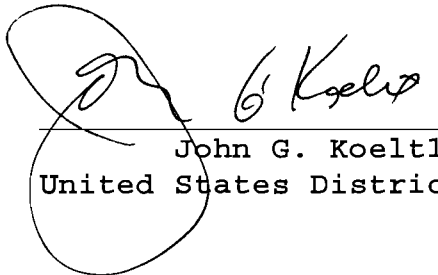
Defendant(s).

JOHN G. KOELTL, District Judge:

The Court has received the attached letter from the plaintiff. The plaintiff should not submit any documents to the Court without sending a copy to the attorney for the defendants. The defendants should address the specific charges made by the plaintiff in this letter in their next response which is scheduled to be submitted by **November 23, 2007**.

SO ORDERED.

Dated: New York, New York
October 31, 2007



John G. Koeltl
United States District Judge

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED 2/14/08

92-A-2437

Box 1245

Beacon, NY 12508

October 29, 2007

Honorable John G. Koeltl,
United States District Court Judge,
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

OCT 31 2007

Re: Davis v. Rhoades, et al.,
07-CV-6592 (JGK)

Dear Judge Koeltl:

I am writing to you regarding my letters to you dated October 11, 2007 and October 18, 2007, respectively, and my claims that I am being harassed and retaliated ^{against} by some of the defendants in this case, and that the Misbehavior Report was issued against me not because of the ~~books~~ as alleges, but, rather, as retaliation for filing the 1983 Civil Rights Lawsuit as evidence in this matter clearly demonstrates.

To support these claims I recently discover that Lt. Falisicki, a defendant in this case, was the ~~one~~ who added the unsubstantiated charge to the Misbehavior Report on October 9, 2007, rather than the officer who wrote the Misbehavior Report ^{ON} October 5, 2007, which occurred ^{3 1/2} ^{DAYS} after the misbehavior was written. And in doing so upgraded the Misbehavior Report from a Tier II Disciplinary Proceeding to a Tier III Substantive Proceeding.

- 2 -

To Further Support this claim I have in my possession a document showing that defendant FALISKI reviewed the Misbehavior Report on October 9, 2007, which was the same day the weaker charge was added and by defendant FALISKI charging the Misbehavior Report's not only represents a Conflict of Interests but also violated Directive 4932, Subpart 231.3(c)(b) A well which states in relevant part that:

"The Misbehavior Report shall be (written) made by the employee who (witness) has observed the incident or who ascertained the facts of the incident."

What could Lt. FALISKI have observed to warrant adding a weaker charge to the Misbehavior Report when the officer who wrote the Misbehavior Reports did not?

As I stated in my previously letter, the defendants in this lawsuit that were still at Mid-Orange Correctional Facility was served with a copy of the summons and complaints by Orange County Sheriff Department on October 2, 2007, and I began to be harassed and retaliated against on October 5, 2007. Followed by the Fraudulent Act committed by defendant ^{FALISKI} in adding a charge to the Misbehavior Report over the signatures of the officer who wrote and the officers who co-sign the Misbehavior Reports, but, who, did not see fit to add such charge thereat.

As I also stated, Lt. FALISKI, as a defendant in this lawsuit, involvement in adulterating this Misbehavior Report, in anyway, constitute a Conflict of Interests, which he knew and should have known that he should not have

October 29, 2007

David: Board, New York

Samuel Davis, Pres

Respectfully Submitted,

Rights.

trying to punish me for having exercise my constitutional rights.
 Basis: fraudulent conduct that they are ~~are~~ afraid
 for filing the lawsuit, which is voided from default
 do defaults are going about seeking retribution against me
 this matter because of the Seattle matter in which the
 I, therefore, urge this court to look into
 being as a cover.

Using the officers who wrote and co-signed the misbehavior
 been involved but attempted to conceal his involvement by